

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN, and
SHAUN D. COHEN,

Defendants.

Case No. 1:18-cv-5587

Hon. John Z. Lee

**CERTAIN MORTGAGEES' MOTION TO FILE OBJECTION TO RECEIVER'S (1)
SECOND MOTION FOR RESTORATION OF FUNDS EXPENDED FOR THE
BENEFIT OF OTHER PROPERTIES; AND (2) NINTH MOTION TO CONFIRM THE
SALE OF CERTAIN REAL ESTATE AND FOR THE AVOIDANCE OF CERTAIN
MORTGAGES, CLAIMS, LIENS, AND ENCUMBRANCES
IN EXCESS OF FIFTEEN PAGES**

Federal National Mortgage Association ("Fannie Mae") and Citibank, N.A., as Trustee for the registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB48 ("Citibank as Trustee", collectively the "Mortgagees") respectfully request that this Court enter and order granting the Mortgagees leave to file their objection ("Objection") to the Receiver's (1) Second Motion for Restoration of Funds Expended for the Benefit of Other Properties; and (2) Ninth Motion to Confirm the Sale of Certain Real Estate and for the Avoidance of Certain Mortgages, Claims, Liens, and Encumbrances [Dkt. 749] ("Sale Motion") in excess of fifteen pages. Plaintiff United States Securities and Exchange Commission ("SEC") and the Receiver have consented to the relief sought in this Motion. In support of their Motion, the Mortgagees state as follows:

1. On July 24, 2020, the Receiver filed his Sale Motion, which is 42-pages in length and 361-pages total, including exhibits.

2. Previously, on September 24, 2019, this Court entered its minute order [Dkt. 535] requiring all creditors-mortgagees to file single objections to the Receiver's motions. Therefore, the Mortgagees must file a single objection.

3. The Sale Motion raise numerous issues, each of which must be individually addressed by the Mortgagees. These issues require detailed legal arguments and analysis regarding the Receiver's powers, the Mortgagees rights and interests, and the long procedural history of this case.

4. Due to the number of issues raised in the Sale Motion, the Mortgagees' Objection is 28 pages. The Mortgagees therefore request leave to file their Objection in excess of the page limits provided by Local Rule 7.1.

5. Counsel for the Mortgagees have conferred with counsel for the SEC and the Receiver, who have indicated they do not object to the relief requested in this Motion.

WHEREFORE, the Mortgagees respectfully request that this Court enter an Order granting the Movants leave to file their Objection, which is in excess of 15 pages.

Dated: August 24, 2020

Respectfully submitted,

/s/ Jill Nicholson

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*Fargo Commercial Mortgage Securities, Inc.,
Multifamily Mortgage Pass-Through
Certificates, Series 2018-SB48*